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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/640,190	08/17/2000	Vincent K. Lee	EM/LEE/5931	2409
7590 06/15/2004				
Bacon & Thomas PLLC 625 Slaters Lane 4th Floor Alexandria, VA 22314-1176			EXAMINER TRAN, TAM D	
			ART UNIT 2676	PAPER NUMBER 14

DATE MAILED: 06/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/640,190

Applicant(s)

LEE, VINCENT K.

Examiner

Tam D Tran

Art Unit

2676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 January 2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. Examiner issues a new non-final rejection because the amendment and response have since been given to the examiner to determine if the submissions overcome the rejections of record. The examiner's review of the amendment and response are deemed to overcome the rejections of record. Therefore, the amendment and response will be entered into the application and hence, the holding of abandonment is withdrawn. Accordingly, the petition to withdraw holding of abandonment is Granted.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2-5 are rejected under 35 U. S.C. 103(a) as being unpatentable over Vaghefi et al. (USPN 6429851 B1) in view of Tamada (USPN 4582498), hereinafter simply Vaghefi and Tamada.

In regard to claim 2, Vaghefi teaches a computer mouse comprising: a lower case comprising front and rear portions, the rear portion of the lower case adapted to receive the bottom wall of the liquid-filled compartment, the front portion of the lower case adapted to receive electronic components of the computer mouse; see Fig. 1, col.3 lines 10-28, and upper case adapted to cover the electronic components of the computer mouse secure the light bulbs which are the vacuum tubes and have the same characteristic as liquid filled compartment, see

Fig.17, col.3 lines 60-67. Vaghefi does not teach a liquid-filled compartment, the liquid-filled compartment comprising a see-through external wall and bottom wall, and liquid with decorative article floating on the surface of the liquid. However, Tamada teaches a liquid-filled compartment, the liquid-filled compartment comprising a see-through external wall and bottom wall, and liquid with decorative article floating on the surface of the liquid. See Fig.1, col.1 lines 57-62. It would have been obvious to a person of ordinary skill in the art at the time of the invention to incorporate the liquid-filled compartment of Tamada into the mouse of Vaghefi because the transparent vessel of Tamada combines with the mouse of Vaghefi for providing a toy which interests a viewer, when used, by rocking the vessel to impart various motions to an ornamental member enclosed in the vessel. See col.1 lines 57-62.

3. In regard to claim 3, Vaghefi teaches a computer mouse, wherein the upper case comprises an internally stepped edge and the liquid-filled compartment comprises a stepped edge correspondingly fitted to the internally stepped edge of the upper case to firmly connect the liquid-filled compartment to the upper case. See Fig.1.

4. In regard to claim 4, Vaghefi teaches a computer mouse, wherein the upper case and the liquid-filled compartment (bulb) are secured together by an adhesive. See Fig.17.

5. In regard to claim 5, Vaghefi teaches a computer mouse, wherein the upper case is transparent, having capability for light go through. See col.3 lines 60-67.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Tam D. Tran** whose telephone number is **703-305-4196**. The examiner can normally be reached on MON-FRI from 8:30 – 5:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Matthew Bella** can be reached on **703-308-6829**.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314 (for Technology Center 2600 only)

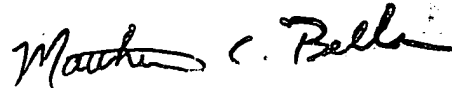
Hand-delivered response should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600-Customer Service Office whose telephone number is (703) 306-0377.

Tam Tran

TT
Examiner

Art unit 2676



MATTHEW C. BELLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600